

SENATE BILL No. 176

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-21.

Synopsis: Courthouse preservation advisory commission. Establishes the courthouse preservation advisory commission. Requires the commission to provide assistance for courthouse related projects. Establishes the courthouse preservation fund. Requires the commission to submit a report to the legislative council. Repeals and relocates the definition of "division" for purposes of the division of historic preservation and archeology.

Effective: July 1, 2008.

Merritt

January 8, 2008, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 176

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-8-2-48 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 48. (a) "Commission",
3 except as provided in subsections (b) through ~~(p)~~; (r), refers to the
4 natural resources commission.
5 (b) "Commission", for purposes of IC 14-13-1, has the meaning set
6 forth in IC 14-13-1-1.
7 (c) "Commission", for purposes of IC 14-13-2, has the meaning set
8 forth in IC 14-13-2-2.
9 (d) "Commission", for purposes of IC 14-13-3, has the meaning set
10 forth in IC 14-13-3-1.
11 (e) "Commission", for purposes of IC 14-13-4, has the meaning set
12 forth in IC 14-13-4-1.
13 (f) "Commission", for purposes of IC 14-13-5, has the meaning set
14 forth in IC 14-13-5-1.
15 (g) "Commission", for purposes of IC 14-13-6, has the meaning set
16 forth in IC 14-13-6-2.
17 (h) "Commission", for purposes of IC 14-14-1, has the meaning set

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1 forth in IC 14-14-1-3.

2 (i) "Commission", for purposes of IC 14-20-4, has the meaning set
3 forth in IC 14-20-4-1.

4 (j) "Commission", for purposes of IC 14-20-11, has the meaning set
5 forth in IC 14-20-11-1.

6 **(k) "Commission", for purposes of IC 14-21-4, has the meaning
7 set forth in IC 14-21-4-1.**

8 ~~(k)~~ **(l)** "Commission", for purposes of IC 14-25-11, has the meaning
9 set forth in IC 14-25-11-1.

10 ~~(l)~~ **(m)** "Commission", for purposes of IC 14-28-4, has the meaning
11 set forth in IC 14-28-4-1.

12 ~~(m)~~ **(n)** "Commission", for purposes of IC 14-30-1, has the meaning
13 set forth in IC 14-30-1-2.

14 ~~(n)~~ **(o)** "Commission", for purposes of IC 14-30-2, has the meaning
15 set forth in IC 14-30-2-2.

16 ~~(o)~~ **(p)** "Commission", for purposes of IC 14-30-3, has the meaning
17 set forth in IC 14-30-3-2.

18 ~~(p)~~ **(q)** "Commission", for purposes of IC 14-30-4, has the meaning
19 set forth in IC 14-30-4-2.

20 ~~(q)~~ **(r)** "Commission", for purposes of IC 14-33-20, has the meaning
21 set forth in IC 14-33-20-2.

22 SECTION 2. IC 14-8-2-77, AS AMENDED BY P.L.1-2006,
23 SECTION 207, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2008]: Sec. 77. "Division" has the following
25 meaning:

26 (1) For purposes of IC 14-9-8, the meaning set forth in
27 IC 14-9-8-2.

28 (2) For purposes of IC 14-20-1, the meaning set forth in
29 IC 14-20-1-2.

30 (3) For purposes of ~~IC 14-21-1~~, **IC 14-21**, the meaning set forth
31 in ~~IC 14-21-1-6~~. **division of historic preservation and**
32 **archeology.**

33 (4) For purposes of IC 14-22, the division of fish and wildlife.

34 (5) For purposes of IC 14-24, the division of entomology and
35 plant pathology.

36 (6) For purposes of IC 14-25.5, the division of water.

37 (7) For purposes of IC 14-31-2, the meaning set forth in
38 IC 14-31-2-4.

39 (8) For purposes of IC 14-32, the division of soil conservation of
40 the department of agriculture established by IC 15-9-4-1.

41 (9) For purposes of IC 14-37, the division of oil and gas.

42 SECTION 3. IC 14-8-2-107, AS AMENDED BY P.L.1-2006,

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SECTION 208, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2008]: Sec. 107. "Fund" has the following
meaning:

(1) For purposes of IC 14-9-5, the meaning set forth in
IC 14-9-5-1.

(2) For purposes of IC 14-9-8-21, the meaning set forth in
IC 14-9-8-21.

(3) For purposes of IC 14-9-8-21.5, the meaning set forth in
IC 14-9-8-21.5.

(4) For purposes of IC 14-9-9, the meaning set forth in
IC 14-9-9-3.

(5) For purposes of IC 14-12-1, the meaning set forth in
IC 14-12-1-1.

(6) For purposes of IC 14-12-2, the meaning set forth in
IC 14-12-2-2.

(7) For purposes of IC 14-12-3, the meaning set forth in
IC 14-12-3-2.

(8) For purposes of IC 14-13-1, the meaning set forth in
IC 14-13-1-2.

(9) For purposes of IC 14-13-2, the meaning set forth in
IC 14-13-2-3.

(10) For purposes of IC 14-16-1, the meaning set forth in
IC 14-16-1-30.

(11) For purposes of IC 14-19-8, the meaning set forth in
IC 14-19-8-1.

(12) For purposes of IC 14-20-1, the meaning set forth in
IC 14-20-1-3.

(13) For purposes of IC 14-20-11, the meaning set forth in
IC 14-20-11-2.

**(14) For purposes of IC 14-21-4, the meaning set forth in
IC 14-21-4-10.**

~~(14)~~ (15) For purposes of IC 14-22-3, the meaning set forth in
IC 14-22-3-1.

~~(15)~~ (16) For purposes of IC 14-22-4, the meaning set forth in
IC 14-22-4-1.

~~(16)~~ (17) For purposes of IC 14-22-5, the meaning set forth in
IC 14-22-5-1.

~~(17)~~ (18) For purposes of IC 14-22-8, the meaning set forth in
IC 14-22-8-1.

~~(18)~~ (19) For purposes of IC 14-22-34, the meaning set forth in
IC 14-22-34-2.

~~(19)~~ (20) For purposes of IC 14-23-3, the meaning set forth in

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IC 14-23-3-1.

~~(20)~~ (21) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(5).

~~(21)~~ (22) For purposes of IC 14-25-2-4, the meaning set forth in IC 14-25-2-4.

~~(22)~~ (23) For purposes of IC 14-25-10, the meaning set forth in IC 14-25-10-1.

~~(23)~~ (24) For purposes of IC 14-25-11-19, the meaning set forth in IC 14-25-11-19.

~~(24)~~ (25) For purposes of IC 14-25.5, the meaning set forth in IC 14-25.5-1-3.

~~(25)~~ (26) For purposes of IC 14-28-5, the meaning set forth in IC 14-28-5-2.

~~(26)~~ (27) For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-5.

~~(27)~~ (28) For purposes of IC 14-25-12, the meaning set forth in IC 14-25-12-1.

~~(28)~~ (29) For purposes of IC 14-32-8, the meaning set forth in IC 14-32-8-1.

~~(29)~~ (30) For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.

~~(30)~~ (31) For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.

~~(31)~~ (32) For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

~~(32)~~ (33) For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

~~(33)~~ (34) For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 4. IC 14-8-2-123.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 123.5. "Historic courthouse", for purposes of IC 14-21-4, has the meaning set forth in IC 14-21-4-2.**

SECTION 5. IC 14-21-4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 4. Courthouse Preservation Advisory Commission

Sec. 1. As used in this chapter, "commission" refers to the courthouse preservation advisory commission established by section 3 of this chapter.

Sec. 2. As used in this chapter, "historic courthouse" refers to a county courthouse listed in or eligible for the National Register

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1 of Historic Places or the Indiana Register of Historic Sites and
2 Structures.

3 Sec. 3. The courthouse preservation advisory commission is
4 established.

5 Sec. 4. (a) The commission consists of the following individuals:

6 (1) One (1) licensed architect with experience in building
7 preservation.

8 (2) One (1) structural engineer with experience in building
9 preservation.

10 (3) One (1) architectural historian.

11 (4) One (1) county commissioner.

12 (5) One (1) representative of a local community foundation.

13 (6) One (1) representative of the Association of Indiana
14 Counties.

15 (7) One (1) representative of the Indiana Association of
16 County Commissioners.

17 (8) One (1) judge of a county, superior, or circuit court.

18 (9) The chief justice of the Indiana supreme court or the chief
19 justice's designee.

20 (10) The director of the division or the director's designee.

21 (11) The president of the Historic Landmarks Foundation of
22 Indiana or the president's designee.

23 (12) The director of the office of community and rural affairs
24 or the director's designee.

25 (b) Members appointed under subsection (a)(1) through (a)(7)
26 shall be appointed by the governor.

27 (c) The member appointed under subsection (a)(8) shall be
28 appointed by the chief justice of the supreme court.

29 Sec. 5. (a) A member appointed under section 4(a)(1) through
30 4(a)(8) of this chapter serve for a term of three (3) years beginning
31 July 1 the year of their appointment. However, a member
32 appointed to fill a vacancy on the commission shall serve for the
33 remainder of the unexpired term.

34 (b) Each appointed member of the commission serves at the
35 pleasure of the appointing authority.

36 (c) The governor shall appoint a member of the commission to
37 serve as the commission's chairperson.

38 Sec. 6. A member of the commission is not entitled to a
39 minimum salary per diem provided by IC 4-10-11-2.1(b). However,
40 subject to the availability of money in the courthouse preservation
41 fund, a member is entitled to reimbursement for traveling expenses
42 as provided under IC 4-13-1-4 and other expenses actually

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1 incurred in connection with the member's duties as provided in the
 2 state policies and procedures established by the Indiana
 3 department of administration and approved by the budget agency.

4 Sec. 7. (a) The division shall provide administrative support for
 5 meetings of the commission.

6 (b) Expenses incurred under this chapter shall be paid from
 7 money in the courthouse preservation fund.

8 Sec. 8. The affirmative votes of at least seven (7) members of the
 9 commission are required for the commission to take any official
 10 action, including issuing reports.

11 Sec. 9. The commission shall do the following:

12 (1) Upon request by county officials, travel to county
 13 courthouses to assess potential courthouse rehabilitation
 14 projects. The assessments may include providing an appraisal
 15 of the condition of the courthouse and rehabilitation cost
 16 estimates.

17 (2) Provide technical assistance for courthouse rehabilitation
 18 projects to encourage proper preservation practices.

19 (3) Upon request by county officials, review and provide
 20 recommendations on architectural plans for courthouse
 21 related projects.

22 (4) Provide county officials with information concerning
 23 funding sources for courthouse preservation projects.

24 (5) Make an assessment concerning the importance of
 25 preserving historic courthouses to the history and identity of
 26 county seats and counties.

27 (6) Make an assessment of the importance of preserving
 28 historic courthouses to the economic revitalization of county
 29 seats and counties.

30 (7) Investigate the need for rehabilitation, restoration, and
 31 maintenance of historic courthouses.

32 (8) Study the condition of historic courthouses.

33 (9) Study the needs of county officials in planning for the
 34 successful restoration, rehabilitation, and maintenance of
 35 historic courthouses.

36 (10) Meet at least once each quarter.

37 Sec. 10. (a) As used in this section, "fund" refers to the
 38 courthouse preservation fund established in subsection (b).

39 (b) The courthouse preservation fund is established to provide
 40 matching grants for courthouse rehabilitation projects and pay for
 41 the administration of this chapter. The division shall administer the
 42 fund.

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(c) The fund consists of:

- (1) money appropriated by the general assembly;
- (2) appropriations to the fund from other sources; and
- (3) grants, gifts, and donations intended for deposit in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.

SECTION 6. IC 14-21-1-6 IS REPEALED [EFFECTIVE JULY 1, 2008].

SECTION 7. [EFFECTIVE JULY 1, 2008] (a) As used in this SECTION, "commission" refers to the courthouse preservation advisory commission established by IC 14-21-4-3, as added by this act.

(b) Notwithstanding IC 14-21-4-5, as added by this act, the initial members of the commission shall be appointed to terms as follows:

- (1) One (1) member appointed under IC 14-21-4-4(a)(1), as added by this act, for a term of three (3) years.
- (2) One (1) member appointed under IC 14-21-4-4(a)(2), as added by this act, for a term of three (3) years.
- (3) One (1) member appointed under IC 14-21-4-4(a)(3), as added by this act, for a term of three (3) years.
- (4) One (1) member appointed under IC 14-21-4-4(a)(4), as added by this act, for a term of two (2) years.
- (5) One (1) member appointed under IC 14-21-4-4(a)(5), as added by this act, for a term of two (2) years.
- (6) One (1) member appointed under IC 14-21-4-4(a)(6), as added by this act, for a term of two (2) years.
- (7) One (1) member appointed under IC 14-21-4-4(a)(7), as added by this act, for a term of one (1) year.
- (8) One (1) member appointed under IC 14-21-4-4(a)(8), as added by this act, for a term of one (1) year.

(c) Notwithstanding IC 14-21-4-5, as added by this act, initial appointments under subsection (b) must be made not later than August 1, 2008.

(d) The commission shall submit a report to the legislative council before August 1, 2011, that includes the commission's findings and recommendations concerning the topics in

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- 1 **IC 14-21-4-9(5) through IC 14-21-4-9(9), as added by this act. The**
2 **report must be in an electronic format under IC 5-14-6.**
3 **(e) This SECTION expires July 1, 2012.**

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